

Introduced April 4, 2011
Public Hearing April 20, 2011
Council Action May 2, 2011
Executive Action May 4, 2011
Effective Date July 4, 2011

County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 4

Bill No. 13 - 2011

Introduced by: The Chairperson at the request of the County Executive

AN ACT authorizing the use of speed monitoring systems in designated school zones; defining certain terms; requiring that a violation recorded by speed monitoring systems may be enforced only by the issuance of a warning for a period of at least 30 days after the first speed monitoring system is placed in the school zone; setting forth the use of certain fines in accordance with State law; and generally related to speed monitoring systems in Howard County.

Introduced and read first time April 4, 2011. Ordered posted and hearing scheduled.

By order Stephen M. LeGendre
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on April 20, 2011.

By order Stephen M. LeGendre
Stephen LeGendre, Administrator

This Bill was read the third time on May 2, 2011 and Passed , Passed with amendments ☒ , Failed .

By order Stephen M. LeGendre
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 3rd day of May, 2011 at 3:30 a.m./p.m.

By order Stephen M. LeGendre
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive May 4, 2011

Ken Ulman
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the*
2 *Howard County Code is amended as follows:*

3
4 1. *By amending subsection (a) of:*
5 *Title 21 – Traffic Control and Transportation*
6 *Section 21.101 “Definitions”*

7
8 2. *By adding new Subtitle 6 “Speed Monitoring Systems” to:*
9 *Title 21 – Traffic Control and Transportation*

10
11 **Title 21. Traffic Control and Transportation.**

12 **Subtitle 1. Definitions; General Provisions.**

13
14 **Section 21.101. Definitions.**

15 (a) *In General.* EXCEPT AS PROVIDED IN SUBTITLE 6 OF THIS TITLE ~~[[In]]~~, IN this title, the
16 following terms have the meanings indicated:

17
18 **Title 21. Traffic Control and Transportation.**

19 **SUBTITLE 6. SPEED MONITORING SYSTEMS**

20
21 **SECTION 21.600. DEFINITIONS.**

22 TERMS IN THIS SUBTITLE HAVE THE MEANINGS INDICATED:

23 (A) *OWNER* SHALL HAVE THE MEANING SET FORTH IN SECTION 21-809 OF THE
24 TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

25 (B) *RECORDED IMAGE* SHALL HAVE THE MEANING SET FORTH IN SECTION 21-809 OF THE
26 TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

27 (C) *SPEED MONITORING SYSTEM* SHALL HAVE THE MEANING SET FORTH IN SECTION 21-809
28 OF THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

29 (D) *SCHOOL ZONE* SHALL BE A ZONE ESTABLISHED IN ACCORDANCE WITH SECTION 21-803.1
30 OF THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND. FOR
31 PURPOSES OF THIS SUBTITLE, A SCHOOL ZONE ON A COUNTY ROAD SHALL BE DETERMINED.

1 FOLLOWING A PUBLIC MEETING FOR COMMUNITY COMMENT, BY THE DEPARTMENT OF
2 PUBLIC WORKS TO BE THAT PART OF THE ROAD THAT HAS A REASONABLE NEXUS OR
3 PROXIMITY TO A SCHOOL OR SCHOOL WALKING ROUTE BASED ON AN ENGINEERING
4 EVALUATION CONDUCTED BY THE DEPARTMENT OF PUBLIC WORKS AND A SCHOOL ZONE
5 SHALL BE MARKED WITH SIGNAGE AS REQUIRED BY STATE LAW.

6
7
8 **SECTION 12.601. AUTHORITY TO USE SPEED MONITORING SYSTEMS; USE OF FINES.**

9 (A) IN ACCORDANCE WITH SECTION 21-809 OF THE TRANSPORTATION ARTICLE OF THE
10 ANNOTATED CODE OF MARYLAND, THE HOWARD COUNTY DEPARTMENT OF POLICE MAY:

11 (1) USE UP TO 8 SPEED MONITORING SYSTEMS FOR THE PURPOSE OF
12 DETERMINING THE SPEED OF A VEHICLE TRAVELING WITHIN A DESIGNATED
13 SCHOOL ZONE; AND

14 (2) ISSUE CIVIL CITATIONS TO VEHICLE OWNERS BASED UPON THE SPEED
15 RECORDED BY THE RECORDED IMAGE OF THE SPEED MONITORING SYSTEM.

16 (B) IN ACCORDANCE WITH SECTION 7-302 OF THE COURTS AND JUDICIAL PROCEEDINGS
17 ARTICLE OF THE ANNOTATED CODE OF MARYLAND, REGARDING FINES COLLECTED AS A
18 RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, THE COUNTY MAY:

19 (1) RECOVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SPEED
20 MONITORING SYSTEMS; AND

21 (2) SUBJECT TO SECTION 7-302(e)(4)(ii) OF THE COURTS AND JUDICIAL
22 PROCEEDINGS ARTICLE OF THE ANNOTATED CODE OF MARYLAND, SPEND
23 ANY REMAINING BALANCE SOLELY FOR PUBLIC SAFETY PURPOSES,
24 INCLUDING PEDESTRIAN SAFETY PROGRAMS.

25 (C) ANY CITATION ISSUED UNDER THIS SECTION SHALL INCLUDE:

26 (1) INFORMATION ABOUT THE RIGHT TO A TRIAL AND TO HAVE THE SPEED
27 MONITORING SYSTEM OPERATOR PRESENT AT THE TRIAL; AND

28 (2) HOW TO REQUEST THAT THE SPEED MONITORING SYSTEM OPERATOR BE
29 PRESENT AT THE TRIAL.

30 (D) IF A CITATION IS ISSUED ON THE BASIS OF SPEED INDICATED BY A FLASHING LIGHT, THE
31 SPEED SYSTEM OPERATOR MUST VERIFY THAT THE FLASHING LIGHTS ARE OPERATING
32 PROPERLY.

1 **SECTION 12.602. REPORT.**

2 (A) REGARDING THE USE OF SPEED MONITORING SYSTEMS IN SCHOOL ZONES, THE
3 DEPARTMENT OF POLICE SHALL SUBMIT A WRITTEN REPORT TO THE COUNTY COUNCIL
4 THAT SHALL INCLUDE THE FOLLOWING:

- 5 (1) ENFORCEMENT ACTIVITY INFORMATION INCLUDING THE LOCATION AND
6 FREQUENCY OF THE PLACEMENT OF SPEED MONITORING SYSTEMS;
7 (2) CITATION INFORMATION INCLUDING THE NUMBER OF INITIAL VIOLATIONS
8 PHOTOGRAPHED, THE NUMBER OF VIOLATIONS REJECTED, THE NUMBER OF
9 CITATIONS ISSUED, THE NUMBER APPEALED , AND THE OUTCOME OF FINAL
10 ADJUDICATION;
11 (3) COLLISION INFORMATION INCLUDING A COMPARISON OF COLLISION DATA IN
12 SCHOOL ZONES BEFORE AND AFTER THE USE OF SPEED MONITORING
13 SYSTEMS;
14 (4) ANY UPDATED SPEED SURVEYS THAT ARE CONDUCTED AT SELECT
15 LOCATIONS;
16 (5) FINANCIAL INFORMATION INCLUDING PROGRAM COSTS, VENDOR FEES,
17 TOTAL FINES COLLECTED, THE AMOUNT OF ANY FINES COLLECTED IN EXCESS
18 OF PROGRAM COSTS, AND THE ACTUAL OR PLANNED USE FOR FINES
19 COLLECTED IN EXCESS OF PROGRAM COSTS;
20 (6) A LIST OF SCHOOL ZONES AND SPECIFICALLY HIGHLIGHTING ANY CHANGES
21 FROM THE PREVIOUS YEAR'S REPORT TO EITHER THE SCHOOL ZONE OR THE
22 SPEED LIMIT WITHIN THE SCHOOL ZONE; AND
23 (7) ANY MAJOR PROBLEMS OR IRREGULARITIES EXPERIENCED; AND
24 ~~(7)~~ (8) ANY PROGRAM RECOMMENDATIONS.

25 (B) THE DEPARTMENT OF POLICE SHALL SUBMIT THE REPORT ANNUALLY ON OR BEFORE
26 MARCH 1 FOR THE PRECEDING CALENDAR YEAR. AT THE REQUEST OF THE COUNTY
27 COUNCIL, THE REPORT SHALL BE PRESENTED AT A PUBLIC MEETING.

28
29 **SECTION 12.603. USE OF CERTAIN SIGNS NOTICE.**

1 (A) THE DEPARTMENT OF PUBLIC WORKS SHALL PLACE A SIGN AT THE BEGINNING OF EACH
2 SCHOOL ZONE INDICATING THAT A SPEED MONITORING SYSTEM MAY BE IN USE IN THE
3 SCHOOL ZONE.

4 (B) THE DEPARTMENT OF POLICE SHALL PUBLISH NOTICE OF THE LOCATION OF SPEED
5 MONITORING SYSTEMS ON ITS WEBSITE.

6
7 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
8 *Maryland, that a citation may not be issued for a period of 30 days after the first speed*
9 *monitoring system is placed in Howard County and a violation recorded by any speed*
10 *monitoring system during this 30-day period may be enforced only by the issuance of a*
11 *warning.*

12
13 *Section 3. And Be It Further Enacted by the County Council of Howard County,*
14 *Maryland, that the first report required by Section 1 of this Act shall be due March 1,*
15 *2013 and shall include information on the time period beginning with program*
16 *implementation and ending December 31, 2012.*

17
18 *Section 34. And Be It Further Enacted by the County Council of Howard County,*
19 *Maryland, that this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on May 4, 2011.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2011.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2011.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2011.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2011.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2011.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

Amendment to Council Bill No. 13-2011

**BY: Chairperson at the request
of the County Executive**

**Legislative Day No. 5
Date: May 2, 2011**

Amended Amendment No. 2

(This amendment clarifies the definition of a school zone on a County road.)

- 1 On page 1, in line 30, after "MARYLAND." insert "FOR PURPOSES OF THIS SUBTITLE, A SCHOOL
2 ZONE ON A COUNTY ROAD SHALL BE DETERMINED, FOLLOWING A PUBLIC MEETING FOR COMMUNITY
3 COMMENT, BY THE DEPARTMENT OF PUBLIC WORKS TO BE THAT PART OF THE ROAD THAT HAS A
4 REASONABLE NEXUS OR PROXIMITY TO A SCHOOL OR SCHOOL WALKING ROUTE BASED ON AN
5 ENGINEERING EVALUATION CONDUCTED BY THE DEPARTMENT OF PUBLIC WORKS AND A SCHOOL
6 ZONE SHALL BE MARKED WITH SIGNAGE AS REQUIRED BY STATE LAW.".

ADOPTED May 2, 2011
FAILED _____
SIGNATURE Stephen M. Lande

Amendment to Council Bill No. 13-2011

BY: Chairperson at the request
of the County Executive

Legislative Day No. 5
Date: May 2, 2011

Amendment No. 2

(This amendment clarifies the definition of a school zone on a County road.)

1 On page 1, in line 30, after "MARYLAND." insert "FOR PURPOSES OF THIS SUBTITLE, A SCHOOL
2 ZONE ON A COUNTY ROAD SHALL BE DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS TO BE
3 THAT PART OF THE ROAD THAT HAS A REASONABLE NEXUS OR PROXIMITY TO A SCHOOL OR SCHOOL
4 WALKING ROUTE BASED ON AN ENGINEERING EVALUATION CONDUCTED BY THE DEPARTMENT OF
5 PUBLIC WORKS AND A SCHOOL ZONE SHALL BE MARKED WITH SIGNAGE AS REQUIRED BY STATE
6 LAW.".

Amendment 1 to Amendment 2 to Council Bill No. 13-2011

**BY: Chairperson at the request
of the County Executive**

**Legislative Day No. ____
Date: May 2, 2011**

Amendment No. 1

(This amendment provides for a public meeting during the process for determining what shall be a school zone.)

- 1 On page 1, in line 2, after "DETERMINED" insert ", FOLLOWING A PUBLIC MEETING FOR
- 2 COMMUNITY COMMENT,".

ADOPTED May 2, 2011
FAILED _____
SIGNATURE Stephan W. Bland

Amendment to Council Bill No. 13-2011

Legislative Day No. 5
Date: May 2, 2011

BY: Chairperson at the request
of the County Executive

Amendment No. 3

(This amendment sets a limit on the number of speed monitoring systems.)

- 1 On page 2, in line 4, after "USE" insert "UP TO 8".
2

ADOPTED May 2, 2011
FAILED _____
SIGNATURE Stephen M. Iskender

Amendment 1 to Amendment 3

Council Bill No. 13- 2011

BY: Greg Fox

Legislative Day No. _____

Date: _____

Amendment No. 1 to Amendment 3

(This amendment requires mobile speed monitoring systems.)

1 On page 1, in line 1, after "8" insert "MOBILE".

2

ADOPTED _____

FAILED May 2, 2011

SIGNATURE Stephen M. Bender

Amendment to Council Bill No. 13-2011

BY: Chairperson at the request
of the County Executive

Legislative Day No. 5
Date: May 2, 2011

Amended Amendment No. 4

(This amendment requires a report to contain certain information.)

On page 2, in line 17 insert:

"SECTION 12.602. REPORT.

(A) REGARDING THE USE OF SPEED MONITORING SYSTEMS IN SCHOOL ZONES, THE DEPARTMENT OF POLICE SHALL SUBMIT A WRITTEN REPORT TO THE COUNTY COUNCIL THAT SHALL INCLUDE THE FOLLOWING:

(1). ENFORCEMENT ACTIVITY INFORMATION INCLUDING THE LOCATION AND FREQUENCY OF THE PLACEMENT OF SPEED MONITORING SYSTEMS;

(2) CITATION INFORMATION INCLUDING THE NUMBER OF INITIAL VIOLATIONS PHOTOGRAPHED, THE NUMBER OF VIOLATIONS REJECTED, THE NUMBER OF CITATIONS ISSUED, THE NUMBER APPEALED, AND THE OUTCOME OF FINAL ADJUDICATION;

(3) COLLISION INFORMATION INCLUDING A COMPARISON OF COLLISION DATA IN SCHOOL ZONES BEFORE AND AFTER THE USE OF SPEED MONITORING SYSTEMS;

(4) ANY UPDATED SPEED SURVEYS THAT ARE CONDUCTED AT SELECT LOCATIONS;

(5) FINANCIAL INFORMATION INCLUDING PROGRAM COSTS, VENDOR FEES, TOTAL FINES COLLECTED, THE AMOUNT OF ANY FINES COLLECTED IN EXCESS OF PROGRAM COSTS, AND THE ACTUAL OR PLANNED USE FOR FINES COLLECTED IN EXCESS OF PROGRAM COSTS;

(6) A LIST OF SCHOOL ZONES AND SPECIFICALLY HIGHLIGHTING ANY CHANGES FROM THE PREVIOUS YEAR'S REPORT TO EITHER THE SCHOOL ZONE OR THE SPEED LIMIT WITHIN THE SCHOOL ZONE; AND

(7) ANY MAJOR PROBLEMS OR IRREGULARITIES EXPERIENCED; AND

(7) (8) ANY PROGRAM RECOMMENDATIONS.

ADOPTED May 2, 2011
FAILED _____
SIGNATURE Stephen M. Anderson

1 (B) THE DEPARTMENT OF POLICE SHALL SUBMIT THE REPORT ANNUALLY ON OR BEFORE MARCH 1
2 FOR THE PRECEDING CALENDAR YEAR. AT THE REQUEST OF THE COUNTY COUNCIL, THE REPORT
3 SHALL BE PRESENTED AT A PUBLIC MEETING.

4
5 On page 2, in line 23, insert:

6 "Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland,
7 that the first report required by Section 1 of this Act shall be due March 1, 2013 and shall
8 include information on the time period beginning with program implementation and ending
9 December 31, 2012."

10
11 On page 2, in line 24, strike "3" and substitute "4".

Amendment to Council Bill No. 13-2011

BY: Chairperson at the request
of the County Executive

Legislative Day No. 5
Date: May 2, 2011

Amendment No. 4

(This amendment requires a report to contain certain information.)

On page 2, in line 17 insert:

"SECTION 12.602. REPORT.

(A) REGARDING THE USE OF SPEED MONITORING SYSTEMS IN SCHOOL ZONES, THE DEPARTMENT OF POLICE SHALL SUBMIT A REPORT TO THE COUNTY COUNCIL THAT SHALL INCLUDE THE FOLLOWING:

(1) ENFORCEMENT ACTIVITY INFORMATION INCLUDING THE LOCATION AND FREQUENCY OF THE PLACEMENT OF SPEED MONITORING SYSTEMS;

(2) CITATION INFORMATION INCLUDING THE NUMBER OF INITIAL VIOLATIONS PHOTOGRAPHED, THE NUMBER OF VIOLATIONS REJECTED, THE NUMBER OF CITATIONS ISSUED, THE NUMBER APPEALED, AND THE OUTCOME OF FINAL ADJUDICATION;

(3) COLLISION INFORMATION INCLUDING A COMPARISON OF COLLISION DATA IN SCHOOL ZONES BEFORE AND AFTER THE USE OF SPEED MONITORING SYSTEMS;

(4) ANY UPDATED SPEED SURVEYS THAT ARE CONDUCTED AT SELECT LOCATIONS;

(5) FINANCIAL INFORMATION INCLUDING PROGRAM COSTS, VENDOR FEES, TOTAL FINES COLLECTED, THE AMOUNT OF ANY FINES COLLECTED IN EXCESS OF PROGRAM COSTS, AND THE ACTUAL OR PLANNED USE FOR FINES COLLECTED IN EXCESS OF PROGRAM COSTS;

(6) A LIST OF SCHOOL ZONES; AND

(7) ANY PROGRAM RECOMMENDATIONS.

(B) THE DEPARTMENT OF POLICE SHALL SUBMIT THE REPORT ANNUALLY ON OR BEFORE MARCH 1 FOR THE PRECEDING CALENDAR YEAR."

On page 2, in line 23, insert:

Amendment 1 to Amendment 4 to Council Bill No. 13-2011

BY: Chairperson at the request
of the County Executive

Legislative Day No. ____
Date: May 2, 2011

Amendment No. 1

(This amendment adds certain requirements for the report.)

- 1 On page 1, in line 18, after "ZONES" insert "AND SPECIFICALLY HIGHLIGHTING ANY CHANGES
- 2 FROM THE PREVIOUS YEAR'S REPORT TO EITHER THE SCHOOL ZONE OR THE SPEED LIMIT WITHIN THE
- 3 SCHOOL ZONE" and, in the same line, strike "AND".
- 4
- 5 On page 1, after line 18, insert "(7) ANY MAJOR PROBLEMS OR IRREGULARITIES EXPERIENCED;
- 6 AND".
- 7
- 8 On page 1, in line 19, strike "(7)" and substitute "(8)".
- 9

ADOPTED May 2, 2011
FAILED _____
SIGNATURE Stephanie L. Bond

Amendment 2 to Amendment 4

Council Bill No. 13- 2011

BY: Jennifer Terrasa

Legislative Day No. _____

Date: _____

Amendment No. 2 to Amendment 4

(This amendment requires the report to be written and requires the report to be presented at a public meeting on request of the County Council.)

- 1 On page 1:
- 2 in line 4, after "SUBMIT A" insert "WRITTEN"; and
- 3 in line 21, after "YEAR." insert "AT THE REQUEST OF THE COUNTY COUNCIL, THE REPORT
- 4 SHALL BE PRESENTED AT A PUBLIC MEETING."

ADOPTED May 2, 2011

FAILED _____

SIGNATURE Stephen M. Gendron

Amendment 6 to Amendment 4

Council Bill No. 13- 2011

BY: Greg Fox

Legislative Day No. _____

Date: _____

Amendment No. 6 to Amendment 4

(This amendment sets a minimum amount of speed zones that must be covered in the report and requires information about speeds outside the speed zones.)

- 1 On page 1, in line 13, after “(4)” strike the rest of the line and substitute “UPDATED SPEED
- 2 SURVEYS THAT COVER AT LEAST 10% OF THE SPEED ZONES AND INCLUDE INFORMATION ABOUT
- 3 SPEEDS BEFORE, WITHIN, AND BEYOND THE SPEED ZONES;”.

Amendment to Council Bill No. 13-2011

BY: Chairperson at the request
of the County Executive

Legislative Day No. 5
Date: May 2, 2011

Amended Amendment No. 5

(This amendment requires certain signs.)

1 On page 2, before line 18 insert:

2 "SECTION 12.603. USE OF CERTAIN SIGNS NOTICE.

3 (A) THE DEPARTMENT OF PUBLIC WORKS SHALL PLACE A SIGN AT THE BEGINNING OF EACH
4 SCHOOL ZONE INDICATING THAT A SPEED MONITORING SYSTEM MAY BE IN USE IN THE SCHOOL
5 ZONE.

6 (B) THE DEPARTMENT OF POLICE SHALL PUBLISH NOTICE OF THE LOCATION OF SPEED
7 MONITORING SYSTEMS ON ITS WEBSITE."

ADOPTED May 2, 2011
FAILED _____
SIGNATURE Stephen M. Pedersen

Amendment to Council Bill No. 13-2011

**BY: Chairperson at the request
of the County Executive**

**Legislative Day No. 5
Date: May 2, 2011**

Amendment No. 5

(This amendment requires certain signs.)

1 On page 2, before line 18 insert:

2 **"SECTION 12.603. USE OF CERTAIN SIGNS.**

3 **THE DEPARTMENT OF PUBLIC WORKS SHALL PLACE A SIGN AT THE BEGINNING OF EACH SCHOOL**
4 **ZONE INDICATING THAT A SPEED MONITORING SYSTEM MAY BE IN USE IN THE SCHOOL ZONE."**

5

Amendment 3 to Amendment 5 to Council Bill No. 13-2011

**BY: Chairperson at the request
of the County Executive**

**Legislative Day No. ____
Date: May 2, 2011**

Amendment No. 3

(This amendment provides that the Department of Police will also publish certain notice on its website.)

1 On page 1, in line 2, strike "USE OF CERTAIN SIGNS" and substitute "NOTICE".

2

3 On page 1, in line 3, before the first "THE" insert "(A)".

4

5 On page 1, in line 5, insert:

6 "(B) THE DEPARTMENT OF POLICE SHALL PUBLISH NOTICE OF THE LOCATION OF SPEED

7 MONITORING SYSTEMS ON ITS WEBSITE.".

ADOPTED May 2, 2011

FAILED _____

SIGNATURE Stephen M. Sander

Amendment 8

Council Bill No. 13- 2011

BY: Jennifer Terrasa

Legislative Day No. 5

Date: MAY 2, 2011

Amendment No. 8

(This amendment requires that flashing lights operate properly.)

- 1 On page 2, after line 16, insert:
- 2 “(C) IF A CITATION IS ISSUED ON THE BASIS OF SPEED INDICATED BY A FLASHING LIGHT,
- 3 THE SPEED SYSTEM OPERATOR MUST VERIFY THAT THE FLASHING LIGHTS ARE OPERATING
- 4 PROPERLY.”

ADOPTED MAY 2, 2011

FAILED _____

SIGNATURE Stephen M. P. Sandoz

Amendment 9

Council Bill No. 13- 2011

BY: Jennifer Terrasa

Legislative Day No. 5

Date: May 2, 2011

Amendment No. 9

(This amendment requires that certain information be included with a citation.)

- 1 On page 2, after line 16, insert:
- 2 “(C) ANY CITATION ISSUED UNDER THIS SECTION SHALL INCLUDE:
- 3 (1) INFORMATION ABOUT THE RIGHT TO A TRIAL AND TO HAVE THE SPEED
- 4 MONITORING SYSTEM OPERATOR PRESENT AT THE TRIAL; AND
- 5 (2) HOW TO REQUEST THAT THE SPEED MONITORING SYSTEM OPERATOR BE
- 6 PRESENT AT THE TRIAL.”

ADOPTED May 2, 2011

FAILED _____

SIGNATURE Stephen M. Bander

**Amendment 1 to Amendment 9
Council Bill No. 13- 2011**

BY: Greg Fox

**Legislative Day No. 5
Date: May 2, 2011**

Amendment No. 1 to Amendment 9

(This amendment requires that a citation be mailed within one week.)

- 1 On page 1, in line 6, after "TRIAL." insert:
- 2 "(D) THE DEPARTMENT OF POLICE SHALL MAIL A CITATION ISSUED UNDER THIS SECTION
- 3 NOT LATER THAN 1 WEEK AFTER THE ALLEGED VIOLATION."

Amendment 10
Council Bill No. 13- 2011

Legislative Day No. 5

Date: May 2, 2011

BY: Greg Fox

Amendment No. 10

(This amendment authorizes only mobile speed monitoring systems.)

- 1 On page 2, in line 4, after "USE" insert: "MOBILE".

ADOPTED _____

FAILED May 2, 2011

SIGNATURE Stephen McElderry

Amendment 11

Council Bill No. 13- 2011

BY: Greg Fox

Legislative Day No. 5

Date: MAY 2, 2011

Amendment No: 11

(This amendment limits the number of speed monitoring systems that may be used.)

- 1 On page 2, in line 4, after "USE" insert: "NOT MORE THAN TWO".

ADOPTED _____

FAILED MAY 2, 2011

SIGNATURE Stephen M. LeBendre

Amendment 12

Council Bill No. 13- 2011

BY: Greg Fox

Legislative Day No. 5

Date: MAY 2, 2011

Amendment No. 12

(This amendment requires that school zones be posted in accordance with the MUTCD.)

- 1 On page 2, after line 5, after "ZONE" insert "POSTED IN ACCORDANCE WITH THE MANUAL
- 2 ON UNIFORM TRAFFIC CONTROL DEVICES PUBLISHED BY THE FEDERAL HIGHWAY
- 3 ADMINISTRATION"
- 4

ADOPTED _____

FAILED MAY 2, 2011

SIGNATURE Stephen McEnder

Amendment 14

Council Bill No. 13- 2011

BY: Greg Fox

Legislative Day No. 5

Date: MAY 2, 2011

Amendment No. 14

(This amendment prohibits paying contractors based on the number of citations.)

- 1 On page 2, after line 16, insert:
- 2 “(C) A CONTRACTOR WHO SELLS, LEASES, OR OTHERWISE PROVIDES EQUIPMENT OR
- 3 SERVICES UNDER THIS SECTION MAY NOT BE PAID BASED ON THE NUMBER OF CITATIONS
- 4 ISSUED.”

ADOPTED _____
FAILED MAY 2, 2011
SIGNATURE Stephen M. Gendron

Amendment 16

Council Bill No. 13- 2011

BY: Greg Fox

Legislative Day No. 5

Date: May 2, 2011

Amendment No. 16

(This amendment set standards for devices on roads where speed monitoring systems may be used.)

1 On page 2, after line 16, insert:

2 "(C) A SPEED MONITORING SYSTEM MAY NOT BE USED ON A SECTION OF ROAD UNLESS

3 THE SECTION HAS:

4 (1) A DEVICE THAT DISPLAYS THE VEHICLE'S SPEED THAT IS VISIBLE TO THE

5 DRIVER;

6 (2) LIGHTS THAT FLASH DURING TIMES OF REDUCED SPEED LIMITS; AND

7 (3) ROADWAY MARKINGS CONSISTENT WITH COUNTY ROAD SAFETY POLICY."

ADOPTED _____
FAILED Stephen M. Gallender
SIGNATURE May 2, 2011

Amendment 17

Council Bill No. 13- 2011

BY: Greg Fox

Legislative Day No. 5

Date: May 2, 2011

Amendment No. 17

(This amendment requires that a citation be mailed within one week.)

- 1 On page 2, after line 16, insert:
- 2 "(C) THE DEPARTMENT OF POLICE SHALL MAIL A CITATION ISSUED UNDER THIS SECTION
- 3 NOT LATER THAN 1 WEEK AFTER THE ALLEGED VIOLATION."

ADOPTED _____
FAILED May 2, 2011
SIGNATURE Stephen M. LeGarde

Amendment 18

Council Bill No. 13- 2011

BY: Greg Fox

Legislative Day No. 5

Date: MAY 2, 2011

Amendment No. 18

(This amendment allows speed monitoring systems only in places where speed limit studies have been done.)

1 On page 2, after line 16, insert:

2

3 “(C) A SPEED MONITORING SYSTEM MAY BE USED AT A PLACE ONLY IF A SPEED LIMIT

4 STUDY FOR THAT PLACE HAS BEEN PERFORMED:

5 (1) IN ACCORDANCE WITH THE STANDARDS APPLICABLE TO SPEED LIMIT STUDIES

6 CONDUCTED BY THE DEPARTMENT OF PUBLIC WORKS; AND

7 (2) WITHIN THE PREVIOUS FIVE YEARS.”

ADOPTED _____
FAILED Mayoral
SIGNATURE Stephen M. Legrande

Amendment 19

Council Bill No. 13- 2011

BY: Greg Fox

Legislative Day No. 5

Date: MAY 2, 2011

Amendment No. 19

(This amendment provides that money collected from violations may not replace other money allocated for public safety purposes.)

- 1 On page 2:
- 2 In line 8, after "(B)" insert "(1)"
- 3 In line 11, strike "(1)" and substitute "(I)"
- 4 In line 12, delete "AND"
- 5 In line 13, strike "(2)" and substitute "(II)"
- 6 In line 16, strike the period and substitute ";AND".
- 7 After line 16, insert:
- 8 "(2) THE MONEY COLLECTED UNDER THIS SECTION MAY NOT SUPPLANT, BUT
- 9 SHALL BE IN ADDITION TO, ANY OTHER MONEY ALLOCATED FOR PUBLIC SAFETY PURPOSES."

ADOPTED _____

FAILED MAY 2, 2011

SIGNATURE Stephen McGehee

Amendment 1 to Amendment 19

Council Bill No. 13- 2011

BY: Greg Fox

Legislative Day No. _____

Date: _____

Amendment No. 1 to Amendment 19

(This amendment requires that the budget show certain information.)

- 1 On page 1, in line 9, after "PURPOSES." insert "THE ANNUAL BUDGET SHALL INDICATE
- 2 COMPLIANCE WITH THIS PROVISION."

ADOPTED _____
FAILED May 2, 2011
SIGNATURE Stephen Salas

Amendment 20

Council Bill No. 13- 2011

BY: Greg Fox

Legislative Day No. 5

Date: May 2, 2011

Amendment No. 20

(This amendment provides a sunset.)

- 1 On page 2, in line 25, after "enactment." insert: "It shall remain effective for a period of
- 2 30 months and, at the end of that period, with no further action required by the County
- 3 Council, this Act shall be abrogated and of no further force and effect."

ADOPTED _____

FAILED May 2, 2011

SIGNATURE Stephen M. Bellendine

Amendment 1 to Amendment 20

Council Bill No. 13- 2011

BY: Greg Fox

Legislative Day No. _____

Date: _____

Amendment No. 1 to Amendment 20

1 On page 1, in line 2, strike "30" and substitute "48".

2

ADOPTED _____

FAILED May 2, 2011

SIGNATURE Stephen M. Legendre

Amendment 22

Council Bill No. 13- 2011

BY: Greg Fox

Legislative Day No. 5

Date: MAY 2, 2011

Amendment No. 22

(This amendment asks the District Court to set the fine at a level designed to cover costs only.)

- 1 On page 2, after line 25, insert:
- 2 "Section 4. And Be It Further Enacted by the County Council of Howard County,
- 3 Maryland, that, each year, the Department of Police shall report the costs of operating
- 4 speed monitoring systems to the District Court and the District Court is requested to set
- 5 the amount of the fine for a violation enforced by speed monitoring system to an amount
- 6 calculated to offset those costs."

ADOPTED _____
FAILED MAY 2, 2011
SIGNATURE Stephen L. Gendron

Amendment 1 to Amendment 22

Council Bill No. 13- 2011

BY: Greg Fox

Legislative Day No. _____

Date: _____

Amendment No. 1 to Amendment 22

(This amendment requires that the report to the District Court contain information about the number of citations and asks the District Court to abide by the cap set by law.)

- 1 On page 1:
- 2 in line 4, after "systems." insert "and information about the number of citations issued
- 3 and expected to be issued";
- 4 in line 5, strike "system" and substitute "systems"; and
- 5 in line 6 after "costs" insert "and that does not exceed the maximum amount allowed by
- 6 State or County law".

ADOPTED _____
FAILED May 2, 2011
SIGNATURE Stephen W. Bendre

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 4

Bill No. 13 -2011

Introduced by: The Chairperson at the request of the County Executive

AN ACT authorizing the use of speed monitoring systems in designated school zones; defining certain terms; requiring that a violation recorded by speed monitoring systems may be enforced only by the issuance of a warning for a period of at least 30 days after the first speed monitoring system is placed in the school zone; setting forth the use of certain fines in accordance with State law; and generally related to speed monitoring systems in Howard County.

Introduced and read first time _____, 2011. Ordered posted and hearing scheduled.

By order _____
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2011.

By order _____
Stephen LeGendre, Administrator

This Bill was read the third time on _____, 2011 and Passed __, Passed with amendments __, Failed __.

By order _____
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2011 at ___ a.m./p.m.

By order _____
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive _____, 2011

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the*
2 *Howard County Code is amended as follows:*

3
4 1. *By amending subsection (a) of:*
5 *Title 21 – Traffic Control and Transportation*
6 *Section 21.101 “Definitions”*

7
8 2. *By adding new Subtitle 6 “Speed Monitoring Systems” to:*
9 *Title 21 – Traffic Control and Transportation*

10
11 **Title 21. Traffic Control and Transportation.**

12 **Subtitle 1. Definitions; General Provisions.**

13
14 **Section 21.101. Definitions.**

15 (a) *In General.* EXCEPT AS PROVIDED IN SUBTITLE 6 OF THIS TITLE ~~[[In]]~~, in this title, the
16 following terms have the meanings indicated:

17
18 **Title 21. Traffic Control and Transportation.**

19 **SUBTITLE 6. SPEED MONITORING SYSTEMS**

20
21 **SECTION 21.600. DEFINITIONS.**

22 TERMS IN THIS SUBTITLE HAVE THE MEANINGS INDICATED:

23 (A) *OWNER* SHALL HAVE THE MEANING SET FORTH IN SECTION 21-809 OF THE
24 TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

25 (B) *RECORDED IMAGE* SHALL HAVE THE MEANING SET FORTH IN SECTION 21-809 OF THE
26 TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

27 (C) *SPEED MONITORING SYSTEM* SHALL HAVE THE MEANING SET FORTH IN SECTION 21-809
28 OF THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

29 (D) *SCHOOL ZONE* SHALL BE A ZONE ESTABLISHED IN ACCORDANCE WITH SECTION 21-803.1
30 OF THE TRANSPORTATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

1 **SECTION 12.601. AUTHORITY TO USE SPEED MONITORING SYSTEMS; USE OF FINES.**

2 (A) IN ACCORDANCE WITH SECTION 21-809 OF THE TRANSPORTATION ARTICLE OF THE
3 ANNOTATED CODE OF MARYLAND, THE HOWARD COUNTY DEPARTMENT OF POLICE MAY:

- 4 (1) USE SPEED MONITORING SYSTEMS FOR THE PURPOSE OF DETERMINING THE
5 SPEED OF A VEHICLE TRAVELING WITHIN A DESIGNATED SCHOOL ZONE; AND
6 (2) ISSUE CIVIL CITATIONS TO VEHICLE OWNERS BASED UPON THE SPEED
7 RECORDED BY THE RECORDED IMAGE OF THE SPEED MONITORING SYSTEM.

8 (B) IN ACCORDANCE WITH SECTION 7-302 OF THE COURTS AND JUDICIAL PROCEEDINGS
9 ARTICLE OF THE ANNOTATED CODE OF MARYLAND, REGARDING FINES COLLECTED AS A
10 RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS, THE COUNTY MAY:

- 11 (1) RECOVER THE COSTS OF IMPLEMENTING AND ADMINISTERING THE SPEED
12 MONITORING SYSTEMS; AND
13 (2) SUBJECT TO SECTION 7-302(E)(4)(II) OF THE COURTS AND JUDICIAL
14 PROCEEDINGS ARTICLE OF THE ANNOTATED CODE OF MARYLAND, SPEND
15 ANY REMAINING BALANCE SOLELY FOR PUBLIC SAFETY PURPOSES,
16 INCLUDING PEDESTRIAN SAFETY PROGRAMS.

17
18 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
19 *Maryland, that a citation may not be issued for a period of 30 days after the first speed*
20 *monitoring system is placed in Howard County and a violation recorded by any speed*
21 *monitoring system during this 30-day period may be enforced only by the issuance of a*
22 *warning.*

23
24 *Section 3. And Be It Further Enacted by the County Council of Howard County,*
25 *Maryland, that this Act shall become effective 61 days after its enactment.*